

AD/AS/bns



Montreal, May 27, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marie Lapalme
Serial No.: 09/642,052
Filing date: August 8, 2000
Title: VIDEO-ASSISTED APPARATUS FOR HEARING IMPAIRED PERSONS
Group Art Unit: 2613
Examiner: Richard LEE Tel.: (703) 308-6612
Agent of Record: Alexandra DAOUD Tel.: (514) 847-4333

Attention: Office of Petitions
COMMISSIONER FOR PATENTS,
Washington, D.C. 20231,
U.S.A.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

Sir:

Applicants hereby request the Office to revive the above-referenced application for patent, abandoned unintentionally under 37 CFR §1.137(b).

Enclosed is a statement of facts explaining reasons for said abandonment.

This enclosure is included in order to comply with the requirements of 37 CFR§1.137(b).

A response to a Notice of Abandonment is being filed concurrently.

Applicant claims small entity status.


The Petition fee of \$750.00, as set forth in 37CFR §1.17(m), may be charged to deposit account 19-5113.

Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

Respectfully submitted,

Marie Lapalme.

By:



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Statement of Facts:

1) On October 8, 2004 an appeal brief was filed.

2) On January 18, 2005 a Notification of Non-Compliance was received stating the following reasons for failure to comply:

- The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
- The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(4)).
- Other. The brief filed October 8, 2004 does not conform to the Rules of Practice before the BPAI, which is effective as of September 13, 2004(see 37 CFR 41.37).

3) On February 2, 2005 an amended appeal brief was filed, including the following changes:

- A section entitled "Real Party in Interest" was added.
- A section entitled "Related Appeals and Interferences" was added.
- The section entitled "Summary of the Invention" was renamed to "Summary of Claimed Subject Matter".

- References by page and line number of the specification and drawings were added to “Summary of Claimed Subject Matter”.
- The contents of the section “Grouping of Claims” was added to “Summary of Claimed Subject Matter” and the section entitled “Grouping of Claims” was removed.
- The final paragraph in the section “Summary of Claimed Subject Matter” was removed and added as the first paragraph to the section entitled “Arguments”.
- The section entitled “Issues” was renamed to “Grounds of Rejection to be reviewed on Appeal”.
- A section entitled “Claims Appendix” was added.
- A section entitled “Evidence Appendix” was added.
- A section entitled “Related Proceedings Appendix” was added.

4) The amended Appeal Brief was believed to conform to the Rules of Practice before the BPAI.

5) On April 11, 2005 a Notice of Abandonment was received stating the following reason for failure to comply:

- Item 7 - Other reasons for holding abandonment: The Brief filed February 2, 2005 does not conform to the Rules of Practice Before the

BPAI, which is effective as of September 13, 2004 (see 37 CFR 41.37). Under the "Grounds of Rejection to be Reviewed on Appeal" section of the Brief filed February 2, 2005, the appellant failed to provide a concise statement of each ground of rejection presented for review (see 37 CFR 41.37(c)(i)(vi)). The Brief filed February 2, 2005 does not present an argument under a separate heading for each ground of rejection on appeal (see 37 CFR 41.37 (c)(1)(vii)).

6) After having received the notice of abandonment, a telephone interview was held with Examiner Richard Lee.

7) It was then understood by the Agents of the Applicants that the section of the appeal brief entitled "Grounds of Rejection to be Reviewed on Appeal" still did not conform with the Rules of Practice Before the BPAI.

8) The Examiner stated that each ground stated in the final rejection should be listed as an argument under a separate heading.

9) The Applicant has amended the Appeal Brief accordingly and is submitting it herewith.